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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/916,678

07/30/2001

Hideki Matsuda

110228

9835

25944

7590

04/21/2004

OLIFF & BERRIDGE, PLC  
P.O. BOX 19928  
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EXAMINER

LUU, MATTHEW

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/916,678

Applicant(s)

MATSUDA, HIDEKI

Examiner

LUU MATTHEW

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-13 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of copending Application No. 10/201,775.

#### **Case No. 09/916,678**

Claim 1:

An environment-compliant image display system comprising...  
correction means which  
corrects input-output characteristic data..., the correction being in such a manner as to increase an output

#### **Case No. 10/201,775**

Claim 1:

An environment-compliant image display system which corrects an image...correction means which  
corrects input-output characteristic data..., the correction being in such a manner as to increase an output

value in at least a lower grayscale  
range...

Claim 2:

...wherein the correction means...  
corrects the input-output  
characteristic data by performing  
a predetermined calculation using  
parameters that differ between a  
lower grayscale range and a  
grayscale range other than the  
than the lower grayscale range.

Claim 3:

...wherein the correction means...,  
and a brightness value for an ideal  
environment.

Claim 4:

...wherein the correction means  
performs gamma correction...

Claim 5:

...wherein the correction means

corrects color modification information...

value in at least a lower grayscale  
range...

Claim 2:

...wherein the correction means...  
corrects the input-output  
characteristic data by performing  
a predetermined calculation using  
parameters that differ between a  
lower grayscale range and a  
grayscale range other than the  
than the lower grayscale range.

Claim 5:

...wherein the correction means...,  
and a brightness value for an ideal  
environment.

Claim 6:

...wherein the correction means  
performs gamma correction...

Claim 7:

...wherein the correction means

corrects color modification information...

within the environmental information.

Claim 6:

...wherein the color modification  
information is a three-dimensional  
look-up table.

within the environmental information.

Claim 8:

...wherein the color modification  
information is a three-dimensional  
look-up table.

Claims 7 and 8:

An environment-compliant image  
display system which corrects an  
image,... a correction section which  
corrects input-output characteristic  
data..., the correction being in such  
a manner as to increase an output  
value in at least a lower grayscale  
range..., based on the environmental  
information...

Claim 9:

An environment-compliant image  
display system which corrects an  
image,... a correction section which  
corrects input-output characteristic  
data..., the correction being in such  
a manner as to increase an output  
value in at least a lower grayscale  
range..., based on the environmental  
information...

Although the conflicting claims are not identical, they are not patentable distinct from each other because independent claims 1, 7, and 8 contain the same allowable subject matter, "the correction being in such a manner as to increase an output value in at least a lower grayscale range", as discussed in the interview summary conducted on March 25, 2004 in case no. 10/201,775. However, the independent claims 1, 7, and 9 are much broader claims than the independent claims 1 and 9 in the application no. 10/201,775.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (703) 305-4850. The examiner can normally be reached on 9 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAZAVI MICHAEL can be reached on (703) 305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

M. Luu  
April 19, 2004



MATTHEW LUU  
PRIMARY EXAMINER